

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

SEAN JOSEPH LEVIN,

Plaintiff,

v.

CV 11-517 BB/WPL

NEW MEXICO CORRECTIONS  
DEPARTMENT, et al.

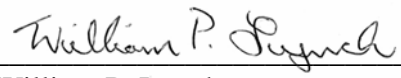
Defendants.

**ORDER**

This matter comes before the Court on Plaintiff Sean Joseph Levin's Response to Order to Submit a Martinez Report. (Doc. 36.) The pleading, improperly labeled as a response, includes additional factual allegations pertaining to Levin's claim that Defendant Kenneth Sandlin provided inadequate medical care in violation of the Eighth Amendment. Accordingly, I will construe this pleading as an amended complaint. *Casanova v. Ulibarri*, 595 F.3d 1120, 1125 (10th Cir. 2010) (holding court must liberally construe the filings of a *pro se* party); *Hall v. Bellmon*, 935 F.2d 1106, 1110 (10th Cir. 1991) (recognizing *pro se* litigant's pleadings are "held to a less stringent standard.").

Having now recognized Levin's filing as an amended complaint, I will allow Sandlin the opportunity to file an amended answer by **May 11, 2012**. Sandlin is also ordered to discuss in his *Martinez* report all of Levin's allegations regarding his medical treatment contained in both the initial complaint (Doc.1 at 5-7) and the amended complaint (Doc. 36), pursuant to the instructions provided by my Order to Submit a *Martinez* Report (Doc. 34).

IT IS SO ORDERED.

A handwritten signature in black ink, reading "William P. Lynch". The signature is written in a cursive style with a horizontal line underneath it.

William P. Lynch  
United States Magistrate Judge